

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA

MARK SCHOGGINS, PERSONAL  
REPRESENTATIVE OF THE  
ESTATE OF MARK ANSON  
SCHOGGINS, DECEASED,

PLAINTIFF,

vs.

CASE NO. 21-cv-133-JFH

STATE OF OKLAHOMA, EX  
REL OKLAHOMA HIGHWAY  
PATROL, et al.,

DEFENDANTS.

**MOTION TO CONTINUE SETTLEMENT CONFERENCE**  
**AND NOTICE OF CONFLICT**

Comes now the Plaintiff, and for his motion to continue the settlement conference set for the 8<sup>th</sup> day of September, 2022, sets forth the following;

1. That the counsel for Plaintiff, Warren Gotcher, has a conflict with the date of the settlement conference.
2. Warren Gotcher is the only counsel for Nathan Dale Smith who is set for jury trial on a sexual assault case set for trial in the United States District Court of the Eastern District of Oklahoma, case no. CR-22-04-RAW beginning with jury selection at 1:30 pm on September 6 in Muskogee, Oklahoma. The evidence and opening statement is set to commence on September 7 at 9:00 am. It is estimated that the case will run two days and will finish sometime on September 8, 2022. It is anticipated that even if the case moves expeditiously, Thursday morning will be argument and instructions and then deliberations. Accordingly, the aforesaid Gotcher would be unavailable for a settlement conference for Thursday Morning. Gotcher is the only attorney involved in both cases.

3. Attorneys for all defendants have no objection, though Sean McKelvey would request that a further settlement conference setting not occur during the first two weeks of October as the aforesaid McKelvey has a jury trial set at that time.

WHEREFORE premises considered, Plaintiff moves for a continuance of the settlement conference and the same to be re set.

MARK SCHOGGINS, PERSONAL  
REPRESENTATIVE  
PLAINTIFF

GOTCHER AND BEAVER  
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ATTORNEYS FOR PLAINTIFF

S/ Warren Gotcher  
Warren Gotcher, OBA#3495

#### CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of September, 2022, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based on the records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following ECF registrants. Mr. Kevin McClure, Mr. Gary James, and Mr. Sean McKelvey

S/Warren Gotcher  
Warren Gotcher